



August 20, 2002

**VIA ELECTRONIC SUBMISSION**

Ms. Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Written Ex Parte Communication**  
*In the Matter of Revision of the Commission's Rules to Ensure Compatibility  
Enhanced 911 Emergency Calling Systems, CC Docket 94-102.*

Dear Ms. Dortch:

SBC Communications Inc. (SBC) submits this written *ex parte* communication, in response to Sprint Corporation's (Sprint) written *ex parte* dated August 13, 2002, filed in the above proceeding.<sup>1</sup>

In its *ex parte* letter, Sprint claims that SBC is "creat[ing] additional roadblocks to [Wireless E911] Phase II implementation." This claim is based on Sprint's contention that SBC seeks to delay Phase II implementation in the state of Michigan until January of 2003, when an effective Phase II tariff is in place. To support this claim, Sprint attached a letter from SBC's Mr. John Hunt to Ms. Christina Russell, Chief of Communications, Oakland County Sheriff's Department, dated June 5, 2002. Sprint's claim is without merit and its analysis of the letter is wrong, having taken the letter completely out of context.

The letter in question is only one part of a discussion between SBC Ameritech Michigan and the Michigan PSAP Tariff Task Force (Michigan Task Force) over issues pertaining to Phase II cost-recovery, not Phase II implementation. In this instance, the Michigan Task Force approached SBC and asked it to delay its tariff filing for Phase II cost recovery because they preferred for SBC and the Michigan Task Force to jointly approach the Michigan State Legislation for an amendment to the current Michigan 911 statute. The current 911 statute allows wireless carriers to charge wireless telephone

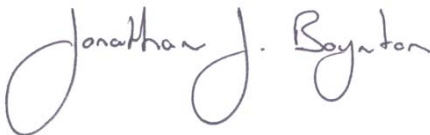
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<sup>1</sup> Sprint Corporation Letter sent to Ms. Magalie Salas, Secretary, dated August 13, 2002.

users 52 cents, of which 25 cents is used by wireless carriers to recover their costs associated to 911. The current legislation does not allow wireline carriers to recover their costs from the 911 fund, so the only other mechanism for SBC Ameritech Michigan to recover its costs would be from the PSAPs through a state tariff. SBC responded to this request by stating that SBC Ameritech Michigan would only delay filing the proposed tariff if two conditions identified in Mr. Hunt's letter were agreed upon by all participating parties. In particular, please note that Mr. Hunt's second caveat required that wireless carriers, including Sprint, agree to the proposal. The Michigan Task Force has rejected SBC's proposal, see attached letter from Ms. Russell to Mr. Hunt, dated June 26, 2002. The Michigan Task Force having rejected the offer, SBC currently plans to file the proposed cost-recovery tariff with the Michigan Public Service Commission by late September 2002. In short, instead of seeking to delay the implementation of Phase II, SBC is taking steps to see that Phase II can proceed without delay. Moreover, SBC is unaware of any aspect of the Phase II scheme devised by the Commission that would deny SBC Ameritech the right to recover its costs associated with implementing that plan.

Pursuant to Section 1.1206(b) of the Commission's rules, this presentation is being electronically filed. I ask that this letter be recognized with the proceeding identified above.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan J. Baynton". The signature is written in a cursive style with a large, looped initial "J".

CC: Thomas Sugrue  
James Schlichting  
Blaise Scinto  
Patrick Forster  
Jennifer Salhus

**COUNTY OF OAKLAND**  
**OFFICE OF THE SHERIFF**  
**MICHAEL J. BOUCHARD**



June 26, 2002

Mr. John Hunt  
Associate Director  
Public Safety Solutions  
SBC Communications

RE: Correspondence of June 5, 2002

Dear Mr. Hunt:

I have shared your letter dated June 5, 2002, with the members of the "Michigan PSAP Tariff Task Force." The PSAP community does understand the difficult situation SBC faces, and I would like to reiterate our commitment to work toward a legislative solution that is satisfactory to all parties. It is our belief that it was the intent of P.A. 32 of 1986, as amended, to include cost recovery for all 9-1-1 network providers, and that clarifying language must be added to the legislation.

The "Michigan PSAP Tariff Task Force" cannot commit to the three-step process described in your letter. We do not have the information necessary to evaluate the impact of the tariff, namely the "proposed pricing model." Without that critical piece, we cannot make an informed decision.

We look forward to working cooperatively with SBC to find a satisfactory legislative solution.

Sincerely,

Christina Russell  
Chief of Communications  
Oakland County Sheriff Department